

REMARKS

Upon entry of the present amendment, claims 1 and 3-13 will remain pending in the above-identified application and stand ready for further action on the merits.

The amendment made herein to claim 1 does not incorporate new matter into the application as originally filed, since the same finds support at page 9, line 19 of the instant specification.

Further, it is noted that entry of the present amendment is proper at present, since it serves to remove issues outstanding in the application and/or put the claims into better format for consideration by the Honorable Board of Appeals of the US Patent Office.

Claim Rejections Under 35 USC § 103(a)

Claims 1, 3-8 and 12 stand rejected under 35 USC § 103(a) as being unpatentable over Partee et al. (US 5,726,142). Further, claims 9-11 and 13 also stand rejected under 35 USC § 103(a) as being unpatentable over Partee, further in view of Wilms (US 5,139,693). Reconsideration and withdrawal of each of these rejections are respectfully requested based upon the following considerations.

Incorporation of Earlier Remarks

The rejections being maintained by the USPTO were previously responded to in Applicants' reply of July 16, 2003. Accordingly, to the extent that the present rejections overlap with and/or are identical to rejections set forth in the prior Office Action of March 13, 2003, the Examiner is earnestly requested to review Applicants' prior response of July 16, 2003, wherein such rejections have already been responded to once.

Distinctions Over the Cited Art

The Examiner's attention is directed to the following distinctions, which evidence that the present invention is in no way taught, disclosed or otherwise rendered obvious by the references being relied upon in the outstanding Office Action (i.e., Partee and Wilms).

The USPTO asserts regarding the weight ratio of sodium polyacrylate/sodium chloride and the content of surfactant, that: "a reference is not limited to working examples". In Partee, however, sodium chloride is used as an inert diluent, even if the amount thereof is not described (see Partee, column 2, lines 30-31). Nonetheless, it can be assumed that a considerable amount would be used, given that Partee is using the same as an inert diluent, and uses 40.61 % in its Formulation 1 and 43.18 % in its

Formulation 2; all of which could be referred to in estimating an amount.

On the other hand, the amount of sodium polyacrylate in Partee is only "up to about 5 wt%" as pointed out by the Examiner in the outstanding office action, so that the ratio of "from 0.3 to 100" recited in the instant claims (e.g., see claim 1), is never suggested by the above mentioned general descriptions of Partee.

In addition, as to the amount of surfactant, Partee defines the anionic surfactant as being up to about 40 wt%, preferably at about 8 to about 35 wt% (see Partee, column 2, lines 25-28), which ranges fall far outside the instant claims.

The base particles of the present invention are made to support surfactant, with the technical ideas of the present invention being that no surfactant, or only a very small amount of surfactant (0 to 3 wt%), is used for preparing the base particles. In contrast, the composition disclosed by Partee is a detergent, which should require a considerable amount of surfactant. Accordingly, a given amount of surfactant, of about 8 to 35 wt%, is necessary in Partee. As a result, the disclosure of Partee is quite different from the present invention.

The USPTO asserts that the present invention is based on optimization obtained through routine experimentation. As noted above, however, since the base particles of the present invention are prepared to support surfactant, sufficient particle strength is

necessary. This is why the ratio of "from 0.3 to 100" is recited in claim 1. In contrast, Partee fails to present any teaching from the viewpoint of particle strength, and there is no guidance provided by Partee to produce any base particles of the present invention. Likewise, no guidance is provided on how to achieve the present invention, and no motivation is provided to those of ordinary skill in the art that would allow them to arrive at the instant invention as claimed.

Accordingly, because no teaching or other description is provided in the cited art references, which would motivate those of ordinary skill in the art to arrive at the instant invention as claimed, it follows that the outstanding rejections under 35 USC § 103(a) are not sustainable.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of pending claims 1 and 3-13 are allowed and patentable under the provisions of Title 35 of the United States Code.

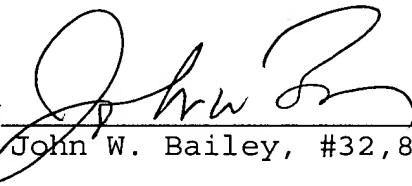
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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